REMARKS

This application has been carefully reviewed in light of the Office Action mailed January 20, 2006 ("Office Action"). Claims 1-35 and 37-46 are pending and stand rejected. Applicant respectfully requests reconsideration and favorable action of all pending claims in view of the following remarks.

Rejections Under 35 U.S.C. § 102 and 103

The Office Action rejects 1-35 and 37-46 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2003/0101300 A1 to Goldick ("*Goldick*"). Applicant respectfully traverses these rejections for the reasons described below.

Claim 1 is allowable at least because *Goldick* does not teach or suggest "the **selected file** associated with at least one associated file, and **including instructions to access, either directly or indirectly, the associated file**" (emphasis added) as recited in Claim 1. The Office Action relies on paragraph 48 of *Goldick* to teach this limitation. In particular, the Office Action asserts that the selected file in combination with the lock object in *Goldick* discloses this limitation, but this assertion is incorrect for two reasons.

First, the selected files of *Goldick* do not include instructions to access associated files. For example, paragraph 40 of *Goldick* describes storing the instructions to access files in a central software component named the Server System Resource Store, and does not teach or suggest that the selected files include instructions to access associated files.

Second, the selected files of *Goldick* do not include instructions to access the lock object. Instead, paragraph 13 and paragraph 48 of *Goldick* make it clear that only the lock object includes instructions to access the selected files. Further, the files referenced in the lock object of *Goldick* are not associated. In fact, *Goldick* explicitly states in paragraph 42 that, "the lock object 306 relates to a plurality of resources of **separate hierarchical trees**" (emphasis added). Thus, the simple fact that *Goldick* has a lock object with a list of separately locked files does not change the fact that the selected files do not contain instructions to access associated files. Because this limitation is not shown by the cited reference, Claim 1 is allowable, as are the claims depending therefrom.

Further, *Goldick* does not teach or suggest "in response to requesting downloading of the selected file, **initiating downloading of the selected file** and automatically determining

the identity of, **and initiating downloading of, the at least one associated file**" (emphasis added) as recited by Claim 1. The Office Action concedes that this limitation is not shown by *Goldick* when it states that the claimed invention differs from the teachings of *Goldick* by the degree, e.g. "in the claimed downloading of a selected file." Nevertheless, the Office Action asserts that the difference is only one of degree. However, this conclusory reasoning falls short of the **required evidence** of a motivation to modify prior art references. Rather, in establishing a *prima facie* case of obviousness, the Examiner must show that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference teachings. M.P.E.P. § 2143.

Further, the proposed modification renders *Goldick* inoperable for its intended purpose of locking server-side files in a distributed environment. Accordingly, there is no motivation to make the proposed modification. *See* MPEP 2143.01 ("If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). *Goldick* describes a method that locks files on a remote server, allowing users to edit the files on the server. The Office Action proposes modifying *Goldick* to download the files. However, such a modification would remove the basic functionality of *Goldick* because if *Goldick* retrieved files locally, there would no longer be a need to lock server-side files for the purpose of editing. Accordingly, there is no motivation to make the proposed modification.

For at least these reasons, Claim 1 is allowable as are the claims depending therefrom. In addition, Claims 13, 24 and 37 are each allowable for reasons analogous to those provided in conjunction with Claim 1, as are the claims depending therefrom. Reconsideration and favorable action is requested.
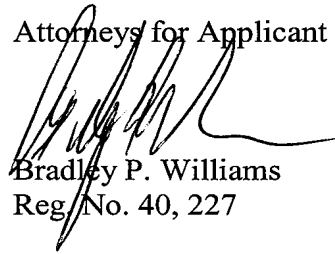
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact the undersigned Attorney for Applicant at the Examiner's convenience.

Applicant believes that no fee is due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

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